

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**(i)**

**CRR No.3850 of 2016 (O&M)**

Satish Chander Chauhan

...Petitioner

VERSUS

State of Haryana and another

...Respondents

**(ii)**

**CRR No.3856 of 2016 (O&M)**

Satish Chander Chauhan

...Petitioner

VERSUS

State of Haryana and another

...Respondents

**(iii)**

**CRR No.3859 of 2016 (O&M)**

Satish Chander Chauhan

...Petitioner

VERSUS

State of Haryana and another

...Respondents

**Date of Decision: March 30, 2017**

**CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr.S.K.Tripathi, Advocate  
for the petitioner.

Mr.Parveen Aggarwal, Deputy Advocate General, Haryana  
for the respondent-State.

Mr.Gaurav Sharma, Advocate  
for respondent No.2.

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**INDERJIT SINGH, J.**

This order shall dispose of above-mentioned three connected revisions as the point for determination in all the cases is the same.

The above-mentioned revision petitions have been filed by petitioner Satish Chander Chauhan against respondents State of Haryana and Sanjay Kumar, challenging the impugned judgments of conviction and order of sentence dated 01.02.2014 passed by learned Judicial Magistrate Ist Class, Faridabad, vide which the petitioner was convicted and sentenced to undergo rigorous imprisonment for a period of one year under Section 138 of the Negotiable Instruments Act in each case and further to pay compensation of ₹2,39,000/-, ₹3,76,000/- and ₹2,05,125/- respectively to the complainant and in default of payment of compensation, the petitioner was directed to undergo simple imprisonment for a period of two months in each case and also challenging the judgments dated 06.10.2015 passed by learned Sessions Judge, Faridabad, vide which the appeals filed by petitioner were dismissed.

Notice of motion was issued and learned State counsel as well as learned counsel for private respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that complaints were filed by complainant Sanjay Kumar against accused Satish Chander Chauhan under Section 138 of the Negotiable Instruments Act. The case of the complainant is that he and accused were having friendly terms with each other. Accused

was in need of money and on the request of the accused, the complainant advanced sum of ₹1,75,000/-, ₹2,75,000/- and ₹1,50,000/- as friendly loan to the accused on 01.11.2009, 29.06.2009 and 04.04.2009 respectively and accused assured to repay the same within four months. After admitting his legal and enforceable liability to repay the said amount, the accused issued cheques No.983326, 983329 and 983327 for sum of ₹1,75,000, ₹2,75,000 and ₹1,50,000/- respectively in favour of the complainant. The complainant presented the said cheques but the same were returned back dishonoured with the remarks "Funds Insufficient". Legal notices were served upon the accused. When the amounts were not paid, then the complaints were filed within time.

The statement of the accused was recorded under Section 313 Cr.P.C. in each case wherein he stated that he had issued three cheques on the request of complainant for the purpose of financing a three wheeler in his favour. He had not taken any loan from the complainant. He had not filled the date, amount and name on the cheque in question. He had not received the legal notice. In defence, accused examined DW-1 Dharambir.

Learned JMIC, Faridabad, after appreciating the evidence, convicted and sentenced the petitioner as stated above. Appeals were filed by the petitioner and the same were dismissed by learned Sessions Judge, Faridabad, vide judgments dated 06.10.2015.

Aggrieved from the above-said judgments, present revision petitions have been filed.

From the perusal of the lower Court record as well as findings given by learned Court below, I find that these findings are correct, as per

evidence and law. The accused admitted his signatures on the cheques. He

also admitted the fact that these cheques have been given by him to the complainant, though, he stated that he had given these cheques for purchasing a three-wheeler. No cogent evidence has been produced by the accused to rebut the presumption. Even DW-1 Dharambir admitted in the cross-examination that he was present when the blank signed cheques were given by the accused to the complainant. He stated that the ration card and other documents were also fraudulently taken by the complainant from the accused. DW-1 admitted that complainant is not a financier.

The Court below held that two circumstances have gone unexplained on behalf of the accused. First, why did the accused gave the cheques to the complainant for the purpose of financing when complainant is not a financier. DW-1 has clearly admitted that complainant is not a financier. Learned Magistrate further stated that if the complainant did not get the vehicle financed and did not return documents along with cheques, then why the accused did not take any action against the complainant. The Court held that at the time of final argument, learned counsel for the accused stated in this regard that due to the friendly relations the accused did not take any legal action against the complainant. It is further held by learned Court below that neither this argument is supported by any proof nor is reliable.

The perusal of the findings given by learned Magistrate shows that these are as per evidence and law. The accused has to raise probable defence, which is to be supported and corroborated by evidence to rebut the presumption under Section 139 of the Negotiable Instruments Act. There is nothing on the record to show that these three blank signed cheques have

when the complainant is not a financier nor there is any circumstance that complainant is a close relative or his another close friend was dealing with selling of three-wheeler. Therefore, the defence raised by the accused is not supported and corroborated by any other evidence.

In the revision petition, this Court is not to re-appreciate evidence like Court of an appeal. Nothing has been argued to show that how the concurrent findings given by the Courts below are perverse or against the evidence or law. Nothing has been pointed out which material evidence has been misread or which material evidence has not been considered by the Courts below. The perusal of the impugned judgments shows that the findings have been given after appreciating and re-appreciating the evidence correctly and in right perspective.

In view of the above discussion, I find that the impugned judgments of conviction passed by both the Courts below are correct, as per law and do not require any interference from this Court.

As regarding the sentence, I find that the sentence passed by the Courts below, in no way, can be held as excessive. However, as all the cheques have been given in the same transaction and the parties are the same, therefore, criminal misc. applications praying for concurrence of sentence in all the cases, have been allowed vide separate order of even date and the sentences in all the cases have been ordered to run concurrently. However, the sentence of payment of compensation and in default thereof, in each case, is upheld.

Resultantly, finding no merit in all the revision petitions, the same are dismissed.

However, as per separate orders of even date, the criminal misc.

applications for concurrence of sentences in all the cases have been allowed. Therefore, it is ordered that petitioner Satish Chander Chauhan be set at liberty forthwith in all the cases on completion of sentence, if his custody is not required in connection with any other case.

March 30, 2017  
Vgulati

(INDERJIT SINGH)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes  
No